

**INLAND WETLANDS AGENCY
MEETING MINUTES**

JANUARY 23, 2006

PRESENT: Ken Braga, Christine Murphy (arr. 8:07), Donald McConnell, Kim Flannery and Alternates Jean Burns & Steven Hoffman

ABSENT: Margo Wheeler, Sanford Cohen and Adam Barber

STAFF

PRESENT: Lisa Houlihan, ZEO/WEO and Reanna Goodreau, Recording Secretary

I. CALL TO ORDER:

Chairman Braga called the Inland Wetlands Agency (IWA) meeting to order at 7:30 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT and read the legal notice into record.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #IW200533 – Christopher Libby for a Permit to Conduct Regulated Activity within an Area of Influence & Wetlands and/or Watercourses for installation of detention basin, parking, and landscaping in conjunction with a commercial development on properties located at 117 Stafford Road, APN 148-087-0000 & 137 Stafford Road, APN 148-084-0000.

TIME: 7:34

SEATED: K. Braga, D. McConnell, K. Flannery, J. Burns and S. Hoffman

Chairman Braga read the Town Engineer's letter dated January 23, 2006.

Galen Semprebon, Design Professionals, came forward to review the proposal. He reviewed the site location and the existing conditions. Mr. Semprebon stated that the applicant is proposing to add a deck on the existing bar and grill, four self-storage units with an associated office and a retail space with associated improvements, including parking, detention, landscaping, and fencing. He explained the topography of the site and noted that they have received a drainage easement on the adjacent property. The detention basin will be used for stormwater and water quality and is sized for the 100-year storm event.

Chairman Braga noted that at the last meeting there was concern about increased run-off into West Shore Road. Mr. Semprebon explained that there will curbing, which will send the water to the detention basin before it outlets. He noted that there are features for improving water quality. He noted that any increased run-off was calculated when designing the basin. There will also be a permanent maintenance schedule for the owner to follow. Chairman Braga asked what would happen if the property owner did not

maintain the basin. Staff noted that it is often noted on the plan that if the property owner doesn't maintain a basin, the town can maintain it and assess the owner.

MOVED (HOFFMAN), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #IW200533—CHRISTOPHER LIBBY.

MOVED (BURNS), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO APPROVE #IW200533—CHRISTOPHER LIBBY WITH CONDITIONS.

CONDITIONS: APPLICANT MUST COMPLY WITH TOWN ENGINEER'S LETTER DATED 1/23/06

2. #IW200549 – Syn-Mar Products, Inc. for a permit to Conduct Regulated Activity within wetlands and/or an Area of Influence for the construction of a 27,364 industrial building and associated improvements on property located on Nutmeg Drive, APN 017-022-0007.

TIME: 7:49

SEATED: K. Braga, D. McConnell, K. Flannery, J. Burns and S. Hoffman

Chairman Braga read the Town Engineer's letter dated January 23, 2006.

Jay Ussery, J.R. Russo & Associates, came forward to explain the proposal. He noted that he had revised the plans based on the Design Review Board's comments and explained that the comments included landscaping and maintenance items within the regulated area. Mr. Ussery noted that access cannot be gained from Nutmeg Drive, so they will use the driveway from Gerber's Construction. He reviewed a detailed plan of the development and explained that it would be done in two phases. Mr. Ussery reviewed the topography and stated that the two detention basins would be wet bottom basins in order to provide a water quality function. There would be approximately 0.01 acres of wetlands disturbance in order to provide gravity flow for the sewer line. Mr. Ussery reviewed the Design Review Board's comments and explained that he needs to address the Town Engineer's comments.

MOVED (MCCONNELL), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #IW200549—SYN-MAR PRODUCTS, INC.

MOVED (MCCONNELL), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE #IW200549—SYN-MAR PRODUCTS, INC. WITH CONDITIONS.

CONDITIONS: APPLICANT MUST COMPLY WITH TOWN ENGINEER'S LETTER DATED 1/23/06

3. #IW200551 – Landmark Surveys, LLC for a permit to Conduct Regulated Activity within an Area of Influence for a 4-lot subdivision on property located on Webster Road, APN 126-002-0000.

TIME: 8:04

SEATED: K. Braga, D. McConnell, K. Flannery, J. Burns, S. Hoffman and C. Murphy

Chairman Braga read the Town Engineer's letter dated January 23, 2006.

Rachel Dearborn, Landmark Surveys, LLC, came forward to review the proposal. She submitted revised plans based on the Town Engineer's comments. She noted that she took issue with the Town Engineer's comments for revisions to Lot 1, since Lot 1 was already approved by the Inland Wetland Agency. She stated that they could construct a swale to address the issues for Lot 1.

Robert Wambolt, 106 Webster Road, expressed his concern with the proposal. He stressed the importance of the Shenipsit Lake Watershed. Mr. Wambolt stated that the property was marginal for construction and that new residences will impact the watershed in a negative way with increased impervious surfaces and fertilizers.

Robert Moore, 60 Webster Road, was concerned that the proposal would impact the pond on his property. He also noted his concern that the original lot was approved by the Inland Wetlands Agency and was not considered a significant activity. He explained that it is costing him a lot of money to repair the condition of the brook and wants a guarantee that the development won't adversely impact his pond.

Commissioner Flannery requested that the limits of clearing be shown on the plans. Chairman Braga requested that the location of footing drains be shown on the plans. Mike Mocko, Ward Engineering, stated that the drains be day lighted. He stated that there will be an adequate undisturbed area to buffer between the lawn and the wetlands. He stated that this is not a high-impact development. Mr. Mocko explained that the location of the silt fence was also the limits of construction, but agreed to note the limits on the plan. Commissioner Flannery also requested that the contours for the existing and proposed be labeled and to include detail for the improvements.

Steve Jacob, certified soil scientist, explained that he delineated the wetlands on the site. He noted that a seasonal intermittent watercourse goes underground on Lot ___. Mr. Jacobs noted that the soils are non-wetland soils, but it is regulated because it carries overland flow during certain times. He noted that the soils on site are a good drained soil.

MOVED (FLANNERY), SECONDED (BURNS) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING FOR #IW200551—LANDMARK SURVEYS, LLC TO THE FEBRUARY 13, 2006 MEETING.

IV. UNFINISHED BUSINESS:

1. #IW200547 - Genovesi Builders for a permit to Conduct Regulated Activity within an Area of Influence for a single family home on property located at 56 Crystal Ridge Drive, APN 129-088-0035.

Commissioner Flannery noted that Russ Heintz completed his presentation at last month's meeting and reminded the other commissioners that the reason for the application is that the location of the home was moved.

MOVED (FLANNERY), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO APPROVE #IW200547—GENOVESI BUILDERS.

2. #IW200548 – Genovesi Builders for a permit to Conduct Regulated Activity within an Area of Influence for a single family home on property located at 53 Crystal Ridge Drive, APN 129-088-0052.

Commissioner Flannery noted that Russ Heintz completed his presentation at last month's meeting and reminded the other commissioners that the reason for the application is that the location of the home was moved.

MOVED (FLANNERY), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO APPROVE #IW200548—GENOVESI BUILDERS.

3. #IW200550 – Bestech, Inc. for a permit to Conduct Regulated Activity within an Area of Influence for parking and detention basin on property located at 8 Nutmeg Drive, APN 017-022-0004.

Chairman Braga read the Town Engineer's letter dated January 20, 2006.

Galen Semprebon, Design Professionals, came forward to review the information provided at last month's meeting. He explained that the wet bottom detention basin was moved closer to the wetlands so that when a future expansion occurs, the basin will not need to be moved. The basin is also larger based on an anticipated expansion. Mr. Semprebon explained that they moved the gravel parking area to its original location based on the Agency's recommendation at the last meeting.

MOVED (MCCONNELL), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO APPROVE #IW200550—BESTECH, INC. WITH CONDITIONS.

CONDITIONS: APPLICANT MUST COMPLY WITH TOWN ENGINEER'S LETTER DATED 1/20/06

4. #IW200552 – Janet Hall for a permit to Conduct Regulated Activity within an Area of Influence for a 3-lot subdivision on property located at 110 Pinnacle Road, APN 075-018-0000.

Chairman Braga read the Town Engineer's letter dated January 23, 2006.

Janet Hall, applicant, explained that there have been revised plans, which show the existing culverts.

MOVED (MCCONNELL), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE #IW200552—JANET HALL.

5. Show Cause Hearing Regarding Cease and Desist Order, dated December 5, 2005 issued to Shepard Farms for violations within the Shepard Farms Subdivision on Windsorville Road, APN 014-008-0010, 014-008-0011, & 014-006-0015. (Continued from the December 12, 2005 meeting)

Galen Semprebon, Design Professionals, came forward on behalf of Doug Nation. He explained that he responded to the Town Engineer's letter on January 6, 2006. Chairman Braga read the letter from Mr. Semprebon to the Town Engineer. Lisa Houlihan, ZEO/WEO stated that she has not received any additional comments from the Town Engineer.

Chairman Braga noted that the original Cease & Desist Order was issued in May. He noted his concern that the watercourse is washing out on a regular basis. Mr. Semprebon explained that the original contractor was not available until September/October. The contractor repaired the rip-rap prior to the Cease & Desist and feels that is what prompted the issuance of the Cease & Desist. Mr. Semprebon explained that the applicant was required to replace the culvert, but it was not due to the impact of the development. The final design was very rushed in order to secure Planning and Zoning approval.

Ms. Houlihan explained that the Planner stressed the importance of complying with the Town Engineer's letter and that if the Town Engineer hasn't approved it, that fines be levied. Chairman Braga suggested looking into levying fines, but not assess them unless they cannot come to a resolution with the Town Engineer. Mr. Semprebon stated that the culvert was installed at the benefit of the Town and that the development did not cause the need for the change. Commissioner Flannery stated that it was a condition of the approval and if they took issue with it, they should have addressed it then.

Mr. Semprebon stated that they have made every reasonable effort to address the issue and noted that they were at the mercy of the contractor. Chairman Braga stated that it wasn't an acceptable excuse, that

the Agency will address it at the February meeting, and that Ms. Houlihan look into what is required to levy fines.

BY CONSENSUS, THE AGENCY CONTINUED THIS ITEM TO THE FEBRUARY 13, 2006 MEETING IN ORDER TO RECEIVE COMMENTS FROM THE TOWN ENGINEER. THE AGENCY ALSO REQUESTED THAT STAFF DISCUSS THE POSSIBILITY OF LEVYING FINES WITH THE TOWN ATTORNEY.

V. NEW BUSINESS:

1. #IW200553 – Landmark Surveys, LLC for a permit to Conduct Regulated Activity within an Area of Influence for construction of a 60' x 120' commercial building to house fuel trucks and associated improvements on property located at 100 West Road, APN 028-010-0000.

Rachel Dearborn, Landmark Surveys, LLC, explained that the trucks are currently parked outside, on the gravel parking area and behind Building B.

Chairman Braga stated that he would like to see a recessed floor and that no floor drains be allowed. Ms. Dearborn stated the floors would be recessed and she would note that on the plan. Chairman Braga also requested that a berm be constructed between the building and the wetlands.

MOVED (FLANNERY), SECONDED (BURNS) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANCE FOR #IW200553—LANDMARK SURVEYS, LLC.

MOVED (FLANNERY), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO APPROVE #IW200553— LANDMARK SURVEYS, LLC WITH CONDITIONS.

CONDITIONS: BUILDING MUST CONTAIN A SUNKEN FLOOR AND CANNOT HAVE ANY FLOOR DRAINS. A BERM MUST BE INSTALLED BETWEEN THE REAR OF THE BUILDING AND THE WETLANDS.

2. #IW200554 – Cantor & Goldfarb Partnership for a permit to Conduct Regulated Activity within an Area of Influence for a 2 lot subdivision on property located at 1 Webster Road, APN 096-007-0000.

Eric Peterson, Gardner & Peterson Associates, explained the proposal. He stated that the 12-acre parcel on Webster Road is proposed to be subdivided into two lots. Each lot would be approximately 3 acres and the remaining 6 acres will be combined to an existing parcel that the applicant owns adjacent to this parcel. Mr. Peterson stated that the wetlands were delineated by John Ianni, certified soil scientist. He explained that the wetlands were at the bottom of the slope and that they are good for stormwater treatment. Charter's Brook is approximately 300' from the wetlands. Mr. Peterson stated that the only items in the 250' regulated area are the reserve for the septic system, a small portion of the primary septic system, and the outlets for the footing drains. He explained that the houses were pushed as closer to the road to keep as much activity out of the regulated area. He also noted the location of the erosion and sedimentation controls, the anti-tracking pad, and the stockpile.

Commissioner Flannery asked if the limits of clearing were also the silt fence delineation and was told that the limits of clearing would be to the septic systems.

MOVED (FLANNERY), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANCE FOR #IW200554—CANTOR & GOLDFARB PARTNERSHIP.

3. #IW200555 – Paul and Theresa Nicholas for a permit to Conduct Regulated Activity within an Area of Influence for installation of septic system and water service lines in conjunction with a two lot subdivision on property located at 92 Frog Hollow Road, APN 060-009-0000.

Galen Semprebon, Design Professionals, came forward to review the proposal. He explained that they had difficulty getting the health department approval and were denied without prejudice for the 3-lot subdivision. He explained that they are now applying for a 2-lot subdivision with one new lot and one existing lot. He stated that they were requesting a waiver of the fee due to the health department issue. Mr. Semprebon explained that they are having issues with water so they are proposing a berm. He also noted that they are cleaning out brush and debris on the southerly property line and put a small berm to prevent the same water issues from occurring. This will all be in the regulated area. He also noted that there will also be grading in the regulated area and a water service line in wetlands. Mr. Semprebon stated that they intend to apply for another lot once more monitoring is done.

Ms. Houlihan stated the commission is supposed to officially receive the application and may make a determination of significance. She noted that there are no comments from the Town Engineer, but she knows he has concerns about the berm and the removal of debris. Ms. Houlihan explained that she completed a site inspection with Mr. Nicholas in order to observe existing conditions. She suggested that he meet with staff, including the Town Engineer, Public Works Director and Town Planner to review the proposal noting that Mr. Nicholas submitted a letter regarding non-regulated activities for farming.

There was a brief discussion about determining significance and it was determined to be a significant activity due to the wetlands disturbance from the water line installation. There was also a brief discussion about the fee waiver and it was determined that the fee should not be waived.

Ms. Houlihan asked the Agency how they wanted to handle the letter from Mr. Nicholas regarding the non-regulated activity. She noted that it is the Agency's purview to acknowledge that the activity proposed is indeed a non-regulated activity, which only requires notification. After a lengthy discussion, it was determined that Mr. Nicholas and his engineer should meet with staff at this coming's coordination meeting and the Ms. Houlihan could make the determination on behalf of the Agency.

MOVED (FLANNERY), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF SIGNIFICANCE AND SCHEDULE THE PUBLIC HEARING FOR THE FEBRUARY 13, 2006 MEETING FOR #IW200555—PAUL & THERESA NICHOLAS.

BY CONSENSUS, THE AGENCY AGREED THAT THEY WOULD NOT GRANT THE FEE WAIVER.

BY CONSENSUS, THE AGENCY AGREED TO AUTHORIZE LISA HOULIHAN, ZEO/WEO, TO MAKE THE DETERMINATION THAT THE NOTIFICATION BY MR. NICHOLAS IS A NON-REGULATED ACTIVITY. THIS IS TO BE DONE AFTER REVIEWING THE INFORMATION IN MORE DETAIL WITH THE APPLICANT, HIS ENGINEER, THE TOWN PLANNER, THE TOWN ENGINEER AND THE DIRECTOR OF PUBLIC WORKS AT THE UPCOMING WEEKLY COORDINATION MEETING. THE AGENCY DIRECTED THE APPLICANT TO CONTACT THE LAND USE OFFICE TO SCHEDULE AN APPOINTMENT FOR THIS MEETING.

MOVED (FLANNERY), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA AND RECEIVE #IW200601—LANDMARK SURVEYS FOR A COMMERCIAL BUILDING ADDITION AND ASSOCIATED IMPROVEMENTS AT 408 SOMERS ROAD.

VI. ADMINISTRATIVE BUSINESS:

1. Discussion of the memo from Eric Davidson dated January 9, 2006 regarding site inspections of the Ellington Highlands Subdivision.

Chairman Braga reviewed the memo from Mr. Davidson and stated that he was amenable to his recommendations.

BY CONSENSUS, THE AGENCY AGREED TO THE TERMS OF MR. DAVIDSON'S LETTER DATED 1/9/06.

2. Approval of the December 12, 2005 Meeting Minutes

MOVED (MCCONNELL), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 12, 2005 MEETING MINUTES WITH THE FOLLOWING CORRECTION: UNDER UNFINISHED BUSINESS, ITEM 9, IN THE MOTION, REPLACE "MAKE A FINDING OF SIGNIFICANCE AND SET THE PUBLIC HEARING WITH "SET THE PUBLIC HEARING IN THE PUBLIC INTEREST.

3. Correspondence:
 - a. Highlights of the Freedom of Information Act
 - b. Connecticut Wildlife, November/December

SO NOTED.

VII. ADJOURNMENT:

MOVED (BURNS), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:07 P.M.

Respectfully Submitted,

Reanna Goodreau
Recording Secretary